

REMARKS

Claims 1-7, 13-20 and 23 were pending at the time of the January 20, 2006, Office Action. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 101

Claim 23 has been rejected under 35 U.S.C. § 101 as being inoperative and as lacking utility. Applicant respectfully traverses the rejection.

Applicant's claim 23 recites in part, the following:

23. A computer-readable medium for providing computer executable instructions for causing a computer to perform a method

Regarding claim 23, the Examiner (page 2) states as follows:

Claim 23 is rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. A computer-readable medium such as a carrier wave is not tangible by itself. Therefore it is inoperative.

The Examiner is apparently asserting that a computer could not use the programming included in or on a propagation medium (a carrier wave). First of all, this is not accurate. Programming "propagated" or "transmitted" from one computer to another computer, over the Internet for example, is every bit as functional and useful as programming read from a compact disc.

S/N: 09/873,183
Case: 10005668-1
Amendment D

Secondly, even if it is assumed for purposes of argument only, and without conceding that a propagation medium is not useful under Section 101 or it does not enable the computer readable medium of Claim 23 under Section 112, other media listed in Applicant's Specification, for example at page 15, lines 1-5, are useful and do enable the computer readable medium of Claim 23:

In an embodiment, the job ticket service may be embodied as a sequence of program instructions stored on a computer-readable storage device, such as a CD-ROM, for example. When loaded into, or coupled to a computer, the program instructions may be read and executed by a processor of the computer to provide the functions of the job ticket service.

The Examiner has not cited to any authority supporting the novel proposition that describing a non-useful or non-enabling feature somehow cancels out the description of several useful and enabling features. Absent such a showing, the rejection cannot stand.

II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-7, 13-20 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over various references as noted below. Applicant respectfully traverses the rejections.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or

S/N: 09/873,183
Case: 10005668-1
Amendment D

generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art references, when combined, do not teach or suggest all of Applicant's claim limitations. Applicant discusses the applied references and Applicant's claims in the following.

A. 103(a) Rejections over Krum, Kovnat, Thornton, Ferlitsch, and Morales

Claims 1-4, 6-7, 13-16 and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Krum in view of Kovnat. Furthermore, as noted above, claims 5 and 17-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over various other

S/N: 09/873,183
Case: 10005668-1
Amendment D

combinations of the references Krum, Kovnat, Thornton, Ferlitsch, and Morales. Applicant respectfully traverses this rejection.

Krum discloses a system for processing requests to service computational tasks. In Krum, an application server system receives requests to run various jobs, where a job indicates that a certain application program is to be executed with a certain set of input. The application server system includes a master computer and multiple slave computers. The master computer receives requests to run jobs, selects a slave computer to run each job, and then assigns each job to a slave computer selected for that job. The master computer of the application server system receives the requests from client computers that may be connected to the application server system via the Internet. A client-side component of the application server system may execute on the client computers to assist users in submitting their requests. Slave computers may be dynamically added to or removed from the application server system as the demand for computing resources changes. (column 2, lines 44-63).

Kovnat discloses a technique for programming a job with a job ticket in a printing system. In Kovnat, a user accesses a remotely disposed server from an image processing apparatus by entering an appropriate personal identification number and selecting a job ticket from a directory listing the job tickets resident at the server. One of the job tickets is then selected and transmitted across the network from the server to the image processing apparatus. A job is then programmed at the image processing apparatus with the selected job ticket.

*SN: 09/873,183
Case: 10005668-1
Amendment D*

1. Claims 1-7

With reference first to Applicant's independent claim 1, Applicant recites (emphasis added):

1. An apparatus that controls tasks in a multi-tasking computer network, comprising:

a job ticket service, being configured to:

function as a centralized service for controlling access to original job tickets where a job ticket is configured to define a job including a plurality of tasks to be performed and includes a job ticket reference;

receive status updates from task processors that are responsible for performing a task from an original job ticket where the task is associated to the job ticket reference; and

update the original job ticket associated with the job ticket reference based on the status update, such that the job ticket service controls modification of the original job ticket; and

a work flow controller configured to separately assign the plurality of tasks from a single original job ticket to selected task processors by distributing a ticket copy of the single original job ticket and distributing the job ticket reference to each selected task processor that identifies the single original job ticket and the job ticket service, where the selected task processors can include an external service provider.

In the Office Action, the Examiner argues that Krum teaches "*a work flow controller configured to separately assign the one or more tasks from a single original job ticket to selected task processors*". Applicant has amended claim 1 for clarification to

S/N: 09/873,183
Case: 10005668-1
Amendment D

recite, "*a work flow controller configured to separately assign the plurality of tasks from a single original job ticket to selected task processors*".

The Examiner relies on Krum at col. 4, lines 58-67, and col. 5, lines 1-3 and 38-47. However, nowhere in these cited passages, or anywhere else in Krum, is there a discussion or teaching of "*a work flow controller configured to separately assign the plurality of tasks from a single original job ticket to selected task processors*" as recited in Applicant's claim 1. Rather, Krum teaches the submission of jobs that are assigned to and run entirely by an identified slave computer (farm system). For example, at col. 4, lines 58-67, and column 5, lines 1-3, Krum recites the following (emphasis added):

The application server system includes a master farmer system 103, farm systems 104, and a data store 105, which are connected via communications link 107. The master farmer system (e.g., a master computer) receives *requests to submit jobs* from clients, identifies a farm system (e.g., slave computer) to *run the job*, and instructs the identified farm system to *run the job*. When a farm system receives an instruction to *run a job*, it queues *the job* until an instance of the application program is available to *run that job*. When *the job* runs, it retrieves input data from and stores output data in the data store. The data store may be a file system, database management system, or other storage system.

Here, Krum teaches a master computer that assigns a job to a slave computer. The slave computer runs the job. There is simply no discussion whatever regarding *separately*

S/N: 09/873,183
Case: 10005668-1
Amendment D

assigning the plurality of tasks from a single original job ticket as recited in Applicant's claim. In Krum, tasks from a single job ticket are not separately assigned.

The Examiner further relies on Krum at col. 5, lines 38-47, which recites as follows (emphasis added):

The distribute jobs component invokes the identify farm component *to identify the farm system to which the job should be assigned*. The identify farm component may select a farm system based on characteristics (e.g., size) of the job and statistics in the job statistics database that relate to the similar jobs or may rely on information provided by the slave computers. Once the identify farm component selects a farm system, the distribute jobs component *notifies the identified farm system that the job has been assigned to it*.

As in the previous passage, here Krum also discusses a distribute jobs component of the master farm system (i.e., master computer) that assigns a job to a slave computer (the farm system). The slave computer runs the job. Again, there is no discussion whatever regarding *separately assigning the plurality of tasks from a single original job ticket* as recited in Applicant's claim. In Krum, tasks from a single job ticket are not separately assigned.

For at least these reasons, it is clear that Krum does not teach the elements of Applicant's claim 1.

Kovnat is cited for its purported teaching of distributing a ticket copy of the single original job ticket to selected task processors where the selected task processors can include an external service provider, and not for teaching "*a work flow controller*

S/N: 09/873,183
Case: 10005668-1
Amendment D

configured to separately assign the plurality of tasks from a single original job ticket to selected task processors". Furthermore, a review of Kovnat reveals that there is no such teaching in Kovnat. Accordingly, Kovnat does not cure the deficiencies of Krum noted above.

Therefore, the combination of Krum and Kovnat fails to teach the elements of Applicant's claim 1. Thus, a *prima facie* case of obviousness is not supported, and the rejection of claim 1 should be removed.

As just noted, the combination of Krum and Kovnat fails to teach all the elements of Applicant's claim 1. Furthermore, a review of the additionally cited references, Thornton, Ferlitsch, and Morales, reveals that these references likewise fail to cure the deficiencies noted above with Krum and Kovnat. Moreover, these additional references are not cited as teaching such elements of Applicant's claim 1.

Accordingly, the combination of all cited references, Krum, Kovnat, Thornton, Ferlitsch, and Morales, fails to teach the elements of Applicant's claim 1. Therefore, a *prima facie* case of obviousness is not supported and the rejection of claim 1 should be removed.

Given that the combination of Krum, Kovnat, Thornton, Ferlitsch, and Morales, does not render claim 1 obvious, it follows that such combination likewise does not render obvious, claims 2-7, which depend from claim 1 and incorporate all of the limitations of claim 1. Accordingly, claims 2-7 are also allowable over the combination of these references for at least this reason.

S/N: 09/873,183
Case: 10005668-1
Amendment D

In view of the above, Applicant respectfully submits that claims 1-7 are allowable over Krum, Kovnat, Thornton, Ferlitsch, and Morales. Applicant therefore respectfully requests that the rejection as to claims 1-7 be withdrawn.

2. Claims 13-20

With reference first to Applicant's independent claim 13, Applicant recites (emphasis added):

13. A method for controlling tasks in a multi-tasking network, comprising:

- receiving a job ticket at a job ticket service;
- creating a job ticket reference to the job ticket;
- storing the job ticket reference;

- controlling access to original job tickets by the job ticket service where the job ticket is configured to define a job including a plurality of tasks to be performed;

- assigning the plurality of tasks from a single original job ticket to selected processors by distributing a ticket copy of the single original job ticket and distributing the job ticket reference to each selected processor that identifies the single original job ticket and the job ticket service, where the selected processors can include an external service provider;*

- receiving status updates from the selected processors relating to an assigned task that are identified by the job ticket reference; and

- updating the original job ticket associated with the job ticket reference based on the status update, such that the job ticket service controls modification of the original job ticket.

S/N: 09/873,183
Case: 10005668-1
Amendment D

Regarding independent claim 13, Applicant asserts that neither Krum nor Kovnat teach or suggest at least the elements of "assigning the plurality of tasks from a single original job ticket to selected processors by distributing a ticket copy of the single original job ticket and distributing the job ticket reference to each selected processor that identifies the single original job ticket and the job ticket service . . .", as is required by independent claim 13. Appellant refers back to the discussions provided in the foregoing. At least because of those reasons already discussed, claim 13 is allowable over Krum and Kovnat.

Furthermore, as discussed above, the additional references of Thornton, Ferlitsch, and Morales, fail to cure the deficiencies noted above with Krum and Kovnat. Moreover, the Examiner does not cite the additional references of Thornton, Ferlitsch, and Morales as teaching such elements of Applicant's claim 13.

Accordingly, the combination of all cited references, Krum Kovnat, Thornton, Ferlitsch, and Morales, fails to teach the elements of Applicant's claim 13. Therefore, a *prima facie* case of obviousness is not supported and the rejection of claim 13 should be removed.

In addition, because the combination of Krum, Kovnat, Thornton, Ferlitsch, and Morales, does not render claim 13 obvious, it follows that such combination likewise does not render obvious claims 14-20, which depend from claim 13 and incorporate all of the limitations of claim 13. Claims 14-20 are therefore allowable over the combination of these references for at least this reason.

S/N: 09/873,183
Case: 10005668-1
Amendment D

In view of the above, Applicant respectfully submits that claims 13-20 are allowable over Krum, Kovnat, Thornton, Ferlitsch, and Morales. Applicant therefore respectfully requests that the rejection as to claims 13-20 be withdrawn.

3. Claim 23

With reference first to Applicant's independent claim 13, Applicant recites (emphasis added):

23. A computer-readable medium for providing computer executable instructions for causing a computer to perform a method, the method comprising:

controlling access to original job tickets where a job ticket is configured to define a job including one or more tasks to be performed;

assigning different tasks from a single original job ticket to different task processors by distributing a ticket copy of the single original job ticket and distributing a job ticket reference to each task processor that identifies the single original job ticket and a job ticket service, where the different task processors can include an external service provider;

receiving status updates from the different task processors relating to an assigned task that are identified by the job ticket reference; and

updating the original job ticket associated with the job ticket reference based on the status update, such that the job ticket service controls modification of the original job ticket.

Regarding independent claim 23, Applicant asserts that neither Krum nor Kovnat teach or suggest at least the elements of "assigning different tasks from a single original job ticket to different task processors by distributing a ticket copy of the single original

S/N: 09/873,183
Case: 10005668-1
Amendment D

job ticket and distributing a job ticket reference to each task processor that identifies the single original job ticket and a job ticket service . . .”, as is required by independent claim 23. Appellant refers back to the discussions provided in the foregoing. At least because of those reasons already discussed, claim 23 is allowable over Krum and Kovnat.

Furthermore, as discussed above, the additional references of Thornton, Ferlitsch, and Morales, fail to cure the deficiencies noted above with Krum and Kovnat. Moreover, the Examiner does not cite the additional references of Thornton, Ferlitsch, and Morales as teaching such elements of Applicant's claim 23.

Accordingly, the combination of all cited references, Krum Kovnat, Thornton, Ferlitsch, and Morales, fails to teach the elements of Applicant's claim 23. Therefore, a *prima facie* case of obviousness is not supported and the rejection of claim 23 should be removed.

S/N: 09/873,183
Case: 10005668-1
Amendment D

CONCLUSION

Applicant respectfully submits that the remaining pending claims are in condition for allowance. Allowance of the present application and all pending claims is hereby courteously requested. The Examiner is invited to call the undersigned attorney at (208) 396-5287 should any issue arise in the allowance of this application.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on Jan. 22, 2007 to PTO fax number (571) 273-8300.
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S/N: 09/873,183
Case: 10005668-1
Amendment D